REMARKS

This Response is submitted in reply to the Final Office Action dated March 15, 2010. Claim 1 has been amended for clarity. Claims 11 to 20 and 22 to 25 stand canceled. No new matter has been added by these amendments. A Request for Continued Examination is submitted herewith. Please charge deposit account number 02-1818 for any fees which are due in connection with this Request for Continued Examination and this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner allow the application or provide an Office Action which identifies ". . . any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

On the PTO Form 1449 submitted on December 23, 2009, the Examiner failed to affirmatively indicate that each of the references had been considered. Applicant respectfully requests that the Examiner affirmatively indicate that each of the references has been considered in accordance with MPEP §609.05(b).

The Office Action rejected:

(a) Claims 1 to 7, 10 and 21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2004/0102238 to Taylor ("Taylor") in view of U.S. Patent No. 6,313,334 to Yoseloff et al. ("Yoseloff"),

(b) Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Taylor in view of Yoseloff, and in further view of U.S. Patent No. 5,997,400 to Seelig et al. ("Seelig"), and

(c) Claim 9 under 35 U.S.C. §103(a) as being unpatentable over Taylor in view of Yoseloff, and in further view of U.S. Patent No. 6,368,216 to Hedrick et al. ("Hedrick").

Applicant respectfully disagrees and traverses each of these rejections for at least the following reasons. Applicant has addressed each of these rejections separately below.

(A) 35 U.S.C. §103(a) rejection over Taylor and Yoseloff

The Abstract of Taylor discloses:

[a] method for wagering on a gaming device where players purchase a play session with a predetermined period of time as opposed to an individual game. Within the pre-purchased time period, players are allowed to play as many individual games as possible to maximize their returns. In one embodiment, the session time is variable wherein play is ended when a predetermined number of game termination events occur.

The Abstract of Yoseloff discloses:

[a] method of playing a video wagering game is disclosed. The method includes at least a first and second segment, the method comprising the steps of: placing a wager to participate in a video wagering game; playing the first segment of the video wagering game; continuing play of the first segment until at least one predetermined condition has been met; assigning a payout based on at least one predetermined winning outcome of the first segment; playing the second segment of the video wagering game when the at least one predetermined condition has been met; wherein at least a portion of said payout of the first segment is used as a wager in a second segment video wagering game in which a visually different screen format is used in play of a different game in the play of the second segment; and after play of the second segment video wagering game, a second segment payout is assigned based on at least a predetermined outcome of play of the second segment video wagering game.

Applicant submits that Taylor includes a feature that offers additional play time of a game. For example, paragraphs [0071] and [0072] disclose that:

[i]n one alternative embodiment of the present invention, the game is provided with a feature that offers additional play time. For example, the paytable includes a "scatter pay" that triggers extended play time for a predetermined number of a specified symbol landing anywhere onscreen. The extended play time is accumulated on a separate, extended play meter 28 and, upon the expiration of the originally pre-purchased time period, is posted to the game clock 18 and usually immediately credited without any further action by the player. Extended play may be granted in the form of time, additional credits, the reduction of one or more accumulated game terminating symbols or events, credits against future game terminating symbols or events, the restoration of lives lost, additional lives granted or by other means. In addition, a player may purchase extended play in the form of additional time, lives or the like by additional wager.

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For example, consider a player buying one minute of play for $20 and on their third spin getting scatter win symbol that pays ten (10) seconds of extended play time. On their fourth spin, they win 15 credits. Further, on their fifth spin they get another scatter pay symbol that pays 30 seconds of extended play time. At this point, 40 seconds are accumulated and displayed on the accumulated extended play meter 28. At the end of regular play, this 40 seconds is posted to the game clock 18, the 40 seconds is removed from the extended play meter 28 and play continues uninterrupted for another 40 seconds. Note it is possible to achieve yet another scatter pay winner during these 40 seconds that grants more extended play time, whereupon the cycle repeats. In other words, it is possible to win more extended play while you are in an extended play period. Furthermore, extended play may be accompanied by appropriate audio and video changes such as flashing lights 30 to enhance the extended play experience.

Applicant submits that Taylor does <u>not</u> anticipate or render obvious both: (i) a primary game, and (ii) a secondary game, wherein the secondary game is associated with an amount of time available for completing the secondary game. Rather, Taylor includes a primary game which is associated with an amount of time available for completing the primary game and outcomes (such as scatter pay win outcomes) which, if generated, result in additional time being provided for continued play of the primary game. Page 3 of the Office Action appears to suggest that it would be obvious to implement this primary game of Taylor as a secondary game (as suggested by the Office Action's combination of Taylor and Yoseloff). For example, page 3 of the Office Action stated that:

> Taylor does not disclose implementing the game as a secondary game. Yoseloff discloses a gaming device which can implement any wagering game as a primary or secondary game. Therefore, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Yoseloff into the teachings of Taylor in order to yield the predictable result of creating a more profitable gaming device for gaming operators, by increasing the time players spend playing the gaming device, thereby increasing the likelihood that the players will spend more money on the gaming device, as well on other aspects of the operators casino (Taylor, paragraph [0016]).

Applicant submits that under this interpretation, the scatter pay win outcomes which result in extended play of the interpreted secondary game of the combination of Taylor and Yoseloff are outcomes which occur in the interpreted secondary game. That is, these scatter pay win outcomes of the interpreted secondary game of the

combination of Taylor and Yoseloff are <u>not</u> outcomes which occur in a <u>primary game</u> and certainly are <u>not</u> outcomes of a primary game which occur <u>during</u> a first amount of time available for completing a secondary game. Thus, the combination of Taylor and Yoseloff does <u>not</u> anticipate or render obvious (without the benefit of improper hindsight reconstruction) <u>during the first amount of time available for completing the secondary game:</u> (i) randomly determine, based on a random number generator, a first outcome of a first play of <u>a primary game</u>; (ii) display the randomly determined first outcome of the first play of <u>the primary game</u>; (iii) determine an award associated with the randomly determined first outcome of the first play of <u>the primary game</u>; and (iv) provide any determined award associated with the randomly determined first outcome of the first play of <u>the primary game</u>.

On the other hand, the method of operating a gaming system of amended independent Claim 1 includes, amongst other elements, <u>during the first amount of time available for completing the secondary game</u>, causing the at least one processor to execute the plurality of instructions to: (i) randomly determine, based on a random number generator, a first outcome of a first play of <u>a primary game</u>; (ii) display the randomly determined first outcome of the first play of <u>the primary game</u>; (iii) determine an award associated with the randomly determined first outcome of the first play of <u>the primary game</u>; and (iv) provide any determined award associated with the randomly determined first outcome of the first play of <u>the primary game</u>.

Additionally, because the combination of Taylor and Yoseloff does <u>not</u> anticipate or render obvious determining outcomes in a primary game during an amount of time available for completing a secondary game, as discussed above, the combination of Taylor and Yoseloff does <u>not</u> anticipate or render obvious (without the benefit of improper hindsight reconstruction) determining a second amount of time available for completing the interpreted secondary game of Taylor based on a first amount of time available for completing the interpreted secondary game of Taylor and based on an outcome which occurred during a play of a primary game (wherein the play of the primary game occurred during a first amount of time available for completing the secondary game).

On the other hand, the method of operating a gaming system of amended independent Claim 1 includes, amongst other elements, at a second, subsequent point in time determining, based on the first amount of time available for completing the secondary game and the randomly determined first outcome of the first play of the primary game, a second amount of time available for completing the secondary game, wherein a difference between the first amount of time available for completing the secondary game and the second amount of time available for completing the secondary game is different than an amount of elapsed time between the first point in time and the second point in time.

For at least these reasons, Applicant respectfully submits that amended independent Claim 1 is patentably distinguished over Taylor and Yoseloff and is in condition for allowance.

Claims 2 to 7, 10 and 21 each depend directly or indirectly from amended independent Claim 1 and are also allowable for the reasons given with respect to amended independent Claim 1 and because of the additional features recited in these claims.

(B) 35 U.S.C. §103(a) rejection over Taylor and Yoseloff in further view of Seelig

The Abstract of Seelig discloses that:

[t]he gaming system of the present invention includes one or more slot machines associated with a racing display wherein the racing element or elements are not necessarily racing against each other. Rather, the racing element moves each time predetermined combination appears on the slot machine. A player is rewarded if his or her racing element reaches a predetermined position. While a clock may be included with each racing element racing against the clock, the racing elements may move independently of a clock. The racing display may be built directly into the slot machine so that the slot player can easily see the progress of his racing element. Alternatively, a large racing display may be utilized that displays a plurality of racing elements thereby giving the appearance that the racing elements are racing against each other. Even further, Win, Place and Show positions may be located adjacent a finish line and the slot player whose racing element reaches either of these positions is awarded a prize depending on the position reached.

Pages 6 and 7 of the Office Action stated that:

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Taylor and Yoseloff disclose that which is discuss above. However, neither Taylor nor Yoseloff disclose that the first amount of time available for completing the secondary game is a first amount of time available for a game character to reach a destination in the secondary game.

Seelig discloses that the first amount of time available for completing the secondary game is a first amount of time available for a game character (22) to reach a destination (the Win/Finish line. As depicted in Fig. 1) in the secondary game (Col. 3-4, lines 66-13).

[i]t would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Seelig into the teachings of Taylor and Yoseloff in order to yield the predictable result of creating a more profitable gaming device for gaming operators, by increasing the time players spend playing the gaming device, thereby increasing the likelihood that the players will spend more money on the gaming device, as well on other aspects of the operators casino (Taylor, paragraph [0016]).

Applicant respectfully disagrees. However, regardless of whether it would have been obvious to integrate the teachings of Seelig into the teachings of Taylor and Yoseloff, as discussed above, the combination of Taylor and Yoseloff does <u>not</u> anticipate or render obvious <u>during the first amount of time available for completing the secondary game</u>: (i) randomly determine, based on a random number generator, a first outcome of a first play of <u>a primary game</u>; (ii) display the randomly determined first outcome of the first play of <u>the primary game</u>; (iii) determine an award associated with the randomly determined first outcome of the first play of <u>the primary game</u>; and (iv) provide any determined award associated with the randomly determined first outcome of the first play of <u>the primary game</u>, and at a second, subsequent point in time determining, based on the first amount of time available for completing the secondary game and <u>the randomly determined first outcome of the first play of the primary game</u>, a second amount of time available for completing the secondary game, wherein a difference between the first amount of time available for completing the secondary game and the second amount of time available for completing the secondary game is different than an amount of elapsed time between the first point in time and the second point in time.

Seelig does <u>not</u> cure these deficiencies of Taylor and Yoseloff. Thus, unlike the method of Claim 8, the method of operating a gaming system resulting from the combination of Taylor, Yoseloff and Seelig does <u>not</u> anticipate or render obvious

(without the benefit of improper hindsight reconstruction) during the first amount of time available for completing the secondary game, causing the at least one processor to execute the plurality of instructions to: (i) randomly determine, based on a random number generator, a first outcome of a first play of a primary game; (ii) display the randomly determined first outcome of the first play of the primary game; (iii) determine an award associated with the randomly determined first outcome of the first play of the primary game; and (iv) provide any determined award associated with the randomly determined first outcome of the first play of the primary game, and at a second, subsequent point in time determining, based on the first amount of time available for completing the secondary game and the randomly determined first outcome of the first play of the primary game, a second amount of time available for completing the secondary game, wherein a difference between the first amount of time available for completing the secondary game and the second amount of time available for completing the secondary game is different than an amount of elapsed time between the first point in time and the second point in time.

For at least these reasons, Applicant respectfully submits that Claim 8 is patentably distinguished over Taylor, Yoseloff and Seelig and is in condition for allowance.

(B) 35 U.S.C. §103(a) rejection over Taylor and Yoseloff in further view of Hendrick

The Abstract of Hedrick discloses that:

[a] gaming machine includes main and secondary displays. The secondary display is disposed apart from the primary display and is used for presenting primary, secondary, or even tertiary information. The main display is controlled electronically by a gaming machine controller, which main display presents the results of a play on the gaming machine. In the case of a slot machine, the main display may be the glass display through which the spinning reels of a game play are viewed. In a video poker gaming machine, the main display is usually a cathode ray tube ("CRT") which displays a video game image to the player and other information directly associated with the game play. The secondary display may be provided at various locations on the gaming machine such as in a top glass portion of the gaming machine or a belly glass portion of the gaming machine, which belly glass portion is located below a main display portion of the gaming machine. The secondary display itself may be a liquid

crystal display, a cathode ray tube, a field emission display, a plasma display, a digital micromirror device (DMD), etc.

Pages 7 and 8 of the Office Action stated that:

> Taylor and Yoseloff disclose that which is discuss above. However, neither Taylor nor Yoseloff disclose that the first amount of time available for completing the secondary game is a first amount of time available to obtain a target number of game indicia.

> Hedrick teaches a method of playing a secondary game in which the object is to obtain a certain number of symbols (1217)(Fig. 12A; Col. 21, lines 32-45).

> [i]t would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Hedrick into the teachings of Taylor and Yoseloff in order to yield the predictable result of creating a more profitable gaming device for gaming operators, by increasing the time players spend playing the gaming device, thereby increasing the likelihood that the players will spend more money on the gaming device, as well on other aspects of the operators casino (Taylor, paragraph [0016]).

Applicant respectfully disagrees. However, regardless of whether it would have been obvious to integrate the teachings of Hedrick into the teachings of Taylor and Yoseloff, as discussed above, the combination of Taylor and Yoseloff does not anticipate or render obvious during the first amount of time available for completing the secondary game: (i) randomly determine, based on a random number generator, a first outcome of a first play of a primary game; (ii) display the randomly determined first outcome of the first play of the primary game; (iii) determine an award associated with the randomly determined first outcome of the first play of the primary game; and (iv) provide any determined award associated with the randomly determined first outcome of the first play of the primary game, and at a second, subsequent point in time determining, based on the first amount of time available for completing the secondary game and the randomly determined first outcome of the first play of the primary game, a second amount of time available for completing the secondary game, wherein a difference between the first amount of time available for completing the secondary game and the second amount of time available for completing the secondary game is different than an amount of elapsed time between the first point in time and the second point in time.

Hedrick does <u>not</u> cure these deficiencies of Taylor and Yoseloff. Thus, unlike the method of Claim 9, the combination of Taylor, Yoseloff and Hedrick does <u>not</u> anticipate or render obvious (without the benefit of improper hindsight reconstruction) <u>during the first amount of time available for completing the secondary game</u>, causing the at least one processor to execute the plurality of instructions to: (i) randomly determine, based on a random number generator, a first outcome of a first play of <u>a primary game</u>; (ii) display the randomly determined first outcome of the first play of <u>the primary game</u>; (iii) determine an award associated with the randomly determined first outcome of the first play of <u>the primary game</u>; and (iv) provide any determined award associated with the randomly determined first outcome of the first play of <u>the primary game</u>, and at a second, subsequent point in time determining, based on the first amount of time available for completing the secondary game and the randomly determined first outcome of the first play of the primary game, a second amount of time available for completing the secondary game, wherein a difference between the first amount of time available for completing the secondary game and the second amount of time available for completing the secondary game is different than an amount of elapsed time between the first point in time and the second point in time.

For at least these reasons, Applicant respectfully submits that Claim 9 is patentably distinguished over Taylor, Yoseloff and Hedrick and is in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: <u>May 17, 2010</u>

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